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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,712	01/29/2002	Bartley K. Andre	APL1P234C1/P2426USC1	8995

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BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER
LESPERANCE, JEAN E

ART UNIT	PAPER NUMBER
2674	9

DATE MAILED: 12/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/060,712	ANDRE ET AL.	
	Examiner	Art Unit	
	Jean E Lesperance	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 October 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10,12-15,18,20-23,27 and 30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *32-34* is/are allowed.

6)☒ Claim(s) *10-31* is/are rejected.

7)☒ Claim(s) *11,24-26,28,29 and 31* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 January 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *8* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed. Applicant is reminded of the proper content of an abstract of the disclosure.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 10, 12-15, 18, 20-23, 27, and 30 are rejected under 35 U.S.C. 102 (b) as being unpatentable over U.S. Patent # 6,198,473 ("Armstrong").

As for claim 10, Armstrong teaches a desktop mouse 100 with a plurality of finger depressible surfaces or buttons 103 on a single depressible plate 212 exposed on a top of the housing 104 portion (column 10, lines 60-63) corresponding to a mouse capable of executing a button function, the button function being incorporated into a housing component of the mouse, the circuit board 111 which includes electronic circuitry thereon (column 12, lines 15-16) corresponding to the housing component being configured to substantially enclose electronics associated with the mouse.

As for claim 12, Armstrong teaches the depressible buttons are for user selection of signals to be sent to the computer for window or screen scroll control (abstract) corresponding to the button function is associated with performing an on screen action.

As for claim 13, Armstrong teaches the electronic circuitry including means for reading the at least three readable states and for producing a distinct control signal for each state of the at least two states, the bit assignments defining distinct control signal such as for screen scrolling control signals (column 24, lines 32-41) corresponding to the electronics generate on screen action signals.

As for claims 14, 21, and 33, Armstrong teaches a mouse having a cursor control means for describing a cursor position on a display, and user activatable buttons (column 30, lines 56-57) corresponding to the electronics generate cursor control signals.

As for claim 15, Armstrong teaches a desktop mouse 200 having a plurality of finger depressible buttons 103 exposed on the top of the case or housing 104 (column 13, lines 5-7) corresponding to a mouse housing configured to be grasped and manipulated by a hand of a user, the circuit board 111 which includes electronic circuitry thereon (column 12, lines 15-16) corresponding to a mouse housing encasing mouse electronics , and serving as a movable button so as to perform an on screen action, the desktop mouse 100 (Fig.1) having no separate mechanical buttons disposed thereon.

As for claim 18, Armstrong teaches an electronic circuitry within the housing, a user manipulable rotatable ball for pointing control (abstract) corresponding to a mouse having a movable enclosure for actuating a clicking action associated with performing an on screen action, a palm rest area on the top outer surface of housing 104 Fig.1 corresponding to a first member and the desktop mouse 100 with the top of the housing

104 removed to show the pointer control rotatable ball Fig.2 corresponding to a second member.

As for claim 20, Armstrong teaches a palm rest area on the top outer surface of housing 104 Fig.1 corresponding to a top member and the desktop mouse 100 with the top of the housing 104 removed to show the pointer control rotatable ball 110 arranged in a conventional mouse ball arrangement to be read by the first encoder 112 and a second encoder 113 or the like for reading the movement of the ball 110 relative to housing 104 along X and Y axes and used for cursor control and pointing (column 12, lines 6-12) corresponding to a base member, the top member moving relative to the base member to provide a clicking action.

As for claim 22, Armstrong teaches the desktop mouse 100 with the top of the housing 104 removed to show the pointer control rotatable ball 110 arranged in a conventional mouse ball arrangement to be read by the first encoder 112 and a second encoder 113 or the like for reading the movement of the ball 110 relative to housing 104 along X and Y axes and used for cursor control and pointing (column 12, lines 6-12) corresponding to a base member that is configured to make moving contact with the surface.

As for claims 23 and 27, Armstrong teaches a desktop mouse 100 operated computer control device corresponding to the top member is movably coupled to the base member.

As for claim 30, Armstrong teaches a desktop mouse 100 with the top of the housing 104 removed (Fig.2) corresponding to the electronic switch that is coupled to

the base member, and wherein a palm rest area 109 and rearward buttons 107 and 108 (Fig.1) corresponding to the top member includes an elongated member for engaging the electronic switch.

Allowable Subject Matter

Claims 11, 24-26, 28, 29, and 31 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 32-34 are allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

None of the references either singularly or in combination, teaches or fair suggests: a mouse which the entire housing component is pushed in its entirety to execute the button function; an input device wherein the top member is capable of moving between a first position, placing the top member away from the base member and a second position, placing the top member towards the base member; the input device wherein the clicking action is implemented by moving the top member to the second position; the input device further including a biasing spring pad for biasing the top member in the first position; the input device wherein the entire top member serves as a button for actuating an internal electronic switch configured to register the clicking action as an input to the electronics of the input device; the input device wherein the top member is an

integrated piece having no separate mechanical buttons disposed thereon; a computer mouse having a mouse housing for containing mouse electronics, the computer mouse comprising: a base member configured to make moving contact with a surface; a top member mechanically coupled with the base member to form the mouse housing and to encase said mouse electronics, the top member moving relative to the base member between a first position, placing the top member away from the base member and a second position, placing the top member towards the base member, so as to implement a clicking action, the entire top member serving as a movable button for implementing the clicking action; and an electronic switch disposed inside the mouse housing, the electronic switch being activated by said clicking action so as to perform an onscreen action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Davis teaches a control stick 32 has a top end 34, a shaft portion 36, and a bottom end 38. A portion of stick 32 protrudes outwardly through an opening 40 defined the top wall 42 of a housing 44 of the cursor control 10. Armstrong teaches a desktop mouse 100 with a plurality of finger depressible surfaces or buttons 103 on a single depressible plate 212 exposed on a top of the housing 104 portion. A mouse having a cursor control means for describing a cursor position on a display, and user activatable buttons. Justy UNM-10 teaches a buttonless optical scroll mouse. The innovators at Justy have made the UNM-10 work in such a way that a slight tilt either side will cause a

click and a double tilt will double click it. None of the references either singularly or in combination, teaches or fair suggests: A mouse which the entire housing component is pushed in its entirety to execute the button function; an input device wherein the top member is capable of moving between a first position, placing the top member away from the base member and a second position, placing the top member towards the base member; the input device wherein the clicking action is implemented by moving the top member to the second position; the input device further including a biasing spring pad for biasing the top member in the first position; the input device wherein the entire top member serves as a button for actuating an internal electronic switch configured to register the clicking action as an input to the electronics of the input device; the input device wherein the top member is an integrated piece having no separate mechanical buttons disposed thereon; a computer mouse having a mouse housing for containing mouse electronics, the computer mouse comprising: a base member configured to make moving contact with a surface; a top member mechanically coupled with the base member to form the mouse housing and to encase said mouse electronics, the top member moving relative to the base member between a first position, placing the top member away from the base member and a second position, placing the top member towards the base member, so as to implement a clicking action, the entire top member serving as a movable button for implementing the clicking action; and an electronic switch

disposed inside the mouse housing, the electronic switch being activated by said clicking action so as to perform an onscreen action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (703) 308-6413. The examiner can normally be reached on from Monday to Friday between 8:OOAM and 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709 .

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Jean Lesperance

Art Unit 2674

Date 12-8-2002

RICHARD MURPHY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600